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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,683	07/15/2003	Norihiro Edwin Aoki	AOL0080	9636

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GLENN PATENT GROUP
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EXAMINER
CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2452	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 January 2010*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5-8,11-13,17,19,20,23 and 25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 5-8, 11-13, 17, 19, 20, 23, and 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This final rejection is in response to Applicant's amendment filed on 1/8/2010. Claims 1,

6, 13, and 25 are amended. Claims 2-4, 9, 10, 14-16, 18, 21, 22, and 24 were previously

cancelled. Accordingly, claims 1, 5-8, 11-13, 17, 19, 20, 23, and 25 are presented for further

examination.

I.   RESPONSE TO ARGUMENTS

Applicant's arguments with respect to claims 1, 5-8, 11-13, 17, 19, 20, 23, and 25 have

been considered but are moot in view of the new ground(s) of rejection which is necessitated by

Applicant's amendment.

II.   CLAIM REJECTIONS - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

**A.   Claims 1, 6-8, 11, 13, 19, 20, and 23-25 are rejected under 35 U.S.C §103(a) as
being unpatentable over *Lee* et al, U.S. Patent No. 2003|0233265 ["*Lee*"], in
view of *Zircher* et al, U.S. Patent No. 7.139.798 ["*Zircher*"].**

Lee and *Zircher* were both cited in the previous Office action, filed 4.9.2007.

Applicant should note that all citations are to *Lee* unless otherwise noted.

Claims 1 and 13

As to claim 1, *Lee* as modified by *Zircher* discloses a system for manipulating and updating data in a backend system, said apparatus comprising:

a messaging client for exchanging messages over a network with a messaging server to and from other messaging clients and said backend system [Fig. 2: disclosing the well known system of connecting clients to a server | 0031, 0051: disclosing users connected to the server back-end];

an automated agent [0030: disclosing the use of an active agent] for:

accepting requests and issuing responses [0012: active agent accepts meeting requests and issues queries in response to the requests | 0030: the agent interacts with users];

obtaining and using data input from said messaging clients to determine said manipulating and updating of data [0012: the agent queries calendars for invitees and accumulates meeting information and availability preferences];

asking a series of questions to said messaging client to determine intent [0012: the bot first asks invitees about their free time and optional information and then asks a second question about availability preferences when there are conflicts]; and

initiating messaging communications to said other messaging clients [*Zircher*, column 10 «lines 2-5» : "Some bots could automatically invite users to shared spaces"] and mediating a discussion related to said input data [*Zircher*, column 14 «lines 43-51» where : bots act as managers for the shared space and can modify the space | column 21

«lines 27» to column 22 «line 9» where : a FAQ bot "mediates" a discussion by

responding to user queries within the collaboration space];

        proactively sending to said messaging client messages comprising, but not limited

to alerts and reminders [0044, 0051, 0057, 0058: agent proactively notifies and reminds

invitees of meetings];

        determining availability of schedule slots for an event and of prospective event

attendees by querying at least one calendar service [0006: disclosing that querying a

calendar includes determining available time slots in the user's schedule | 0011: the active

agent "has access to invite calendars and by using a deadline algorithm, will opt for the

invitee calendar" | 0012: "active agent will query calendars for invitees and use the

calendar information when an invitee doesn't respond in a predetermined time"]; and

        entering schedule information for said event on said at least one calendar service

[0049: the active agent adds the meeting notice "to the [attendee's] calendar independent

of the attendee's confirmation"];

said automated agent being coupled to between said messaging system and said backend

system [0011, 0051: the active agent coupled to an instant messaging service communicating

with the users and the back-end server].

Lee fails to disclose the automated agent initiating communications with other messaging

clients and mediating a discussion related to said input data. However, such a feature was well

known in the art at the time of Applicant's invention. Zircher is directed towards a system for

establishing a collaboration space involving messaging clients and bots or automated agents

[abstract]. Like Lee, Zircher discloses that the automated agents are coupled between the

messaging system and is capable of accepting requests and issuing responses to client queries [column 9 «lines 28-41»].

However, *Zircher*'s bots provide additional functionality over *Lee*'s active agent. For example, *Zircher*'s bots are capable of initiating communications with other messaging clients and mediating a discussion related to said input data. It would have obvious to one of ordinary skill in the art to have adapted *Lee*'s active agent to include the additional functionality taught in *Zircher*.

Providing the additional functionality such as the ability to automatically communicate with other clients and manage a collaboration space with multiple clients into *Lee* would increase the capabilities of *Lee*'s active agent including enabling collaboration among users in a shared spaces, scheduling meetings or calendar functions [*Zircher,* column 19 «lines 32-46» | column 20 «lines 17-31»].

Claim 13 is rejected for at least the same reasons set forth for claim 1.

Claim 6

Lee discloses said other messaging clients are associated with prospective meeting attendees and said discussion related to a meeting of said attendees [0011: *Lee* disclosing that the calendaring system negotiates (discusses) with the invitees to schedule a meeting].

Claims 7 and 19

Lee discloses aid automated agent is capable of responding with information, confirmation, availability, and a request for additional information [0012: *Lee* disclosing that the agent sends out an instant message to invitees regarding availability preferences | 0013, 0044:

disclosing an agent that interacts with the invitees to request additional information such as the invitee's available times].

Claims 8 and 20

Lee discloses said messaging client exchanges messages via said network with said messaging server by any of two-way messaging, email, a paging network, and instant messaging systems [0011: instant messaging or email communication between agent and invitees].

Claims 11 and 23

Lee discloses said messaging clients engage in dialogs with said automated agents [0011-0013, 0044].

Claim 25

As to claim 25, *Lee* discloses a computer readable storage medium encoded with instructions, which when loaded into a digital computational device establishes a robot agent for receiving Instant Messages from a first user-client and responsively interacting between the first user-client, a calendar server system, and other user-clients to enable each of the user-clients to enter queries and updating data into, and to receive queries and data from, the calendar server system [Figure 3 «items 300, 306, 315» | Figure 5 «items, 520, 530, 522, 526» | 0030-0034],

said robot agent including means for:

asking a series of questions to said messaging client to determine intent [0012];

proactively sending to said messaging client messages comprising, but not limited to alerts and reminders [0044, 0051, 0057, 0058: agent proactively notifies and reminds invitees of meetings];

determining availability of schedule slots for an event and of prospective event

attendees by querying at least one calendar service [0006: disclosing that querying a

calendar includes determining available time slots in the user's schedule | 0011: the active

agent "has access to invite calendars and by using a deadline algorithm, will opt for the

invitee calendar" | 0012: "active agent will query calendars for invitees and use the

calendar information when an invitee doesn't respond in a predetermined time"];

entering schedule information for said event on said at least one calendar service

[0049: the active agent adds the meeting notice "to the [attendee's] calendar independent

of the attendee's confirmation"]; and

initiating messaging communications to said other messaging clients [*Zircher*,

column 10 «lines 2-5» : "Some bots could automatically invite users to shared spaces"]

and mediating a discussion related to said input data [*Zircher*, column 14 «lines 43-51»

where : bots act as managers for the shared space and can modify the space | column 21

«lines 27» to column 22 «line 9» where : a FAQ bot "mediates" a discussion by

responding to user queries within the collaboration space];

See the rejection of claim 1 for rejection rationale and motivation for modifying *Lee*'s

invention to include *Zircher*'s teachings

**B.   Claims 5 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable
over *Lee* and *Zircher*, in further view of *Leber*, U.S. Patent Publication No.
2003|0182391 ["*Leber*"].**

Claims 5 and 17

While *Lee* does disclose that an active agent communicates using instant messaging to

invitees, *Lee* does not expressly disclose that the agent appears as a buddy on a buddy list.

However, such a feature was well known in the art at the time of Applicant's invention as evidenced by *Leber*.

Specifically, *Leber* discloses the automated agent appearing as a buddy on a buddy list [0267]. *Leber* teaches it was well known in the art for an automated agent that communicates using instant messaging to users to appear on the users' buddy list.

Thus, because *Lee*'s active agent communicates with invitees using instant messaging, it would have been obvious to one of ordinary skill in the art to have modified *Lee* to include a buddy list and to include *Lee*'s active agent within the buddy list. Such a modification would have been motivated to improve *Lee*'s system by making it simpler to contact the active agent.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

See attached PTO-892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-

3942. The examiner can normally be reached on Monday to Friday [10 am - 6 pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thu Nguyen can be reached on (571)272-6967. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOHM CHANKONG/
Primary Examiner, Art Unit 2452.